

(d) The provisions of the Reemployment Priority List (RPL) set forth in subpart B of this part will remain in effect during the period of severe Federal downsizing. When an agency considers candidates from outside the agency for vacancies, registrants in an agency's RPL have priority for selection over employees eligible under this subpart in accordance with § 330.705.

§ 330.702 Duration.

This subpart will expire on September 30, 1999, unless the Office of Personnel Management extends the program based on its determination that the Federal Government is still experiencing an emergency downsizing situation.

§ 330.703 Definitions.

For the purposes of this subpart:

(a) *Agency* has the meaning given in § 330.604(a).

(b) *Displaced employee* means:

(1) A current or former career or career-conditional competitive service employee, in tenure group I or II, who has received a specific RIF separation notice;

(2) A former career or career-conditional employee who was separated because of a compensable injury as provided under the provisions of subchapter I of chapter 81 of title 5, United States Code, whose compensation has been terminated and whose former agency is unable to place the individual as required by part 353;

(3) A former career or career-conditional competitive service employee, in tenure group I or II, who retired with a disability under sections 8337 or 8451 of title 5, United States Code, whose disability annuity has been or is being terminated;

(4) A former career or career-conditional competitive service employee, in tenure group I or II, in receipt of a RIF separation notice who retired on the effective date of the reduction in force or under the discontinued service retirement option;

(5) A former career or career-conditional competitive service employee, in tenure group I or II, who is separated because he/she declined a transfer of function or directed reassignment to another commuting area; and

(6) A former Military Reserve Technician or National Guard Technician who is receiving a special disability retirement annuity from OPM under section 8337(h) or 8456 of title 5, United States Code.

(c) *Eligible employee* means a displaced employee who meets the conditions set forth in § 330.704(a).

(d) *Local commuting area* has the meaning given in § 330.604(d) of subpart F.

(e) *Special selection priority* has the meaning given in § 330.604(e) of subpart F.

(f) *Vacancy* has the meaning given in § 330.604(g) of subpart F.

(g) *Well-qualified employee* has the meaning given in § 330.604(h) of subpart F.

§ 330.704 Eligibility.

(a) To be eligible for the special selection priority, an individual must meet all of the following conditions:

(1) Is a displaced employee as defined in § 330.703(b).

(2) Has a current (or a last) performance rating of record of at least fully successful or equivalent (except for those eligible under § 330.703 (b)(2), (b)(3), and (b)(6));

(3) Applies for a vacancy at or below the grade level from which the employee has been or is being separated, that does not have a greater promotion potential than the position from which the employee has been or is being separated;

(4) Occupies or was displaced from a position in the same local commuting area of the vacancy;

(5) Files an application for a specific vacancy within the timeframes established by the agency; and

(6) Is determined by the agency to be well-qualified for the specific position.

(b) *Eligibility for special selection priority begins:*

(1) On the date the agency issues the RIF separation notice;

(2) On the date an agency certifies that it can not place an employee eligible under § 330.703(b)(2);

(3) On the date an employee eligible under § 330.703(b)(3) is notified that his or her disability annuity has been or is being terminated;

(4) On the date an employee under § 330.703(b)(5) declines the transfer of function or reassignment outside the commuting area; or

(5) On the date the National Guard Bureau or Military Department certifies that an employee under § 330.703(b)(6) has retired under 5 U.S.C. 8337(h) or 8456.

(c) *Eligibility expires:*

(1) 1 year after separation, except for those employees separated on or after September 12, 1995, and prior to February 29, 1996. For these employees, eligibility expires February 28, 1997;

(2) February 28, 1997, for those candidates who were registered in OPM's Interagency Placement Program (IPP) on or before February 15, 1996 and received a letter from OPM informing them of the demise of the IPP;

(3) 1 year after an agency certifies that an individual under § 330.703(b)(2) cannot be placed;

(4) 1 year after an individual under § 330.703(b)(3) receives notification that his/her disability annuity has been or will be terminated;

(5) When the employee receives a career, career-conditional, or excepted appointment without time limit in any agency;

(6) When the employee no longer meets the eligibility requirements set forth in paragraph (a) of this section (e.g., the employee is no longer being separated by RIF or separates by resignation or non-discontinued service retirement prior to the RIF effective date); or

(7) With a specific agency, upon declination of an official offer to the employee by that agency.

§ 330.705 Order of selection in filling vacancies from outside the agency's workforce.

(a) Except as provided in paragraph (c) of this section, when filling a vacancy from outside the agency's workforce an agency must select:

(1) Current or former agency employees eligible under the agency's Reemployment Priority List described in subpart B, then;

(2) At the agency's option, any other former employee displaced from the agency (under appropriate selection procedures), then;

(3) Current or former Federal employees displaced from other agencies eligible under this subpart; and then

(4) Any other candidate (under appropriate selection procedures) (optional).

(b) The following actions are subject to this order of selection and are covered under this subpart:

(1) Competitive appointments (e.g., from registers and direct-hire);

(2) Noncompetitive appointments (e.g., the types listed in part 315, subpart F, of this chapter);

(3) Movement between agencies (e.g., transfer), except as provided for in paragraph (b)(9) of this section or part 351 of this chapter;

(4) Reinstatements (except as provided for in paragraph (a)(2) of this section); and

(5) Time-limited appointments of 90 days or more to the competitive service.

(c) The following actions are not covered under this subpart:

(1) Selections from an agency's internal Career Transition Assistance Plan or Reemployment Priority List as described in subparts F and B of this part respectively or any other internal